

AO 91 (Rev. 02/09) Criminal Complaint

# United States District Court

for the

Western District of New York

United States of America

Case No. 22-MJ-- 4141

v.

ROBERT BIBBINS,

*Defendant*

## CRIMINAL COMPLAINT

I, CARLTON TURNER, the complainant in this case, state that the following is true to the best of my knowledge and belief: That between September 20 and September 22, 2022, in the Western District of New York and elsewhere, the defendant, ROBERT BIBBINS:

(1) did knowingly receive child pornography that had been transported in and affecting interstate and foreign commerce, including by computer, in violation of 18 U.S.C. § 2252A(a)(2)(A); and

(2) did knowingly possess and access with intent to view, material that contained images of child pornography that had been transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, including by computer, and that were produced using materials that had been shipped and transported in and affecting interstate and foreign commerce, in violation of 18 U.S.C. § 2252A(a)(5)(B).

SEE ATTACHED AFFIDAVIT OF FBI TASK FORCE OFFICER CARLTON TURNER.

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

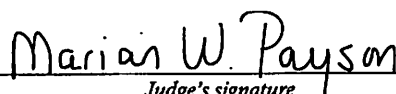
  
*Complainant's signature*

CARLTON TURNER, Task Force Officer, FBI  
*Printed name and title*

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim. P. 4.1 and 4(d) on:

Date: November 17, 2022

City and State: Rochester, New York

  
*Judge's signature*  
MARIAN W. PAYSON  
UNITED STATES MAGISTRATE JUDGE  
*Printed name and title*

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

STATE OF NEW YORK    )  
COUNTY OF MONROE    )    ss:  
CITY OF ROCHESTER    )

I, CARLTON TURNER, being duly sworn, depose and state:

1.     I am Task Force Officer with the FBI Rochester, and an Investigator for the Rochester Police Department. I have been a member of the Rochester Police Department since May 1998 and have been assigned to the FBI's Child Exploitation Task Force since October 2015. As a Task Force Officer with the FBI, I am responsible for investigating crimes against children, including violations of 18 U.S.C. §§ 2252A(a)(2)(A) and 2252A(a)(5)(B) involving the receipt and possession of child pornography.

2.     I submit this affidavit in support of a criminal complaint, charging ROBERT BIBBINS with the knowing receipt and possession of child pornography, in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(a)(5)(B).

3.     The information contained in this affidavit is based on my personal knowledge and investigation of this matter, my review of BIBBINS' cell phone (the SUBJECT PHONE), my interview of BIBBINS, my training and experience, conversations with other law enforcement officers and witnesses, and my review of documents, reports and records gathered through the investigation of this case.

4.     Because this affidavit is submitted for the limited purpose of establishing probable cause to support a criminal complaint, I have not included every fact known to me concerning this investigation. Rather, I have set forth the facts that I believe are necessary to

establish probable cause to believe that BIBBINS knowingly violated Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(a)(5)(B).

#### **BACKGROUND OF INVESTIGATION**

5. On September 22, 2022, New York State Parole Officer Maria Rhodes met with parolee ROBERT BIBBINS, DOB XX/XX/72, at his residence (a halfway house) at 27 OK Terrace, Rochester, New York. BIBBINS is a Level 1 Registered Sex Offender and is serving a term of parole following a New York State conviction for Promoting Sexual Performance by a Child Less than 17-years old. BIBBINS was released to parole supervision on or about September 20, 2022, from New York State Prison. As a part of his conditions of supervision, BIBBINS is required to submit to searches of his person, residence, and property by members of New York State Parole. BIBBINS is also prohibited from purchasing or possessing a smartphone or computer without the permission of his parole officer.

6. While at BIBBINS' residence, Officer Rhodes located the SUBJECT PHONE, which she found hidden in a garbage can in a bathroom that BIBBINS had just exited. When asked, BIBBINS stated that he hid the SUBJECT PHONE because the phone had internet capabilities. BIBBINS did not have permission to possess the SUBJECT PHONE. Officer Rhodes previewed the SUBJECT PHONE pursuant to BIBBINS search conditions and observed sexually suggestive and sexually explicit photographs of minors ranging from 6 to 17-years-old. After conducting a cursory preview, Officer Rhodes seized the SUBJECT PHONE and placed it in an evidence bag. BIBBINS was ultimately taken into Parole custody for violating his conditions of supervision. While in the custody of Parole, BIBBINS made

statements to Officer Rhodes such as “I’m going to have criminal charges for the stuff on there” and that he would be “going away for a long time.”

7. Officer Rhodes subsequently contacted the FBI Rochester for assistance in examining the phone, and on October 3, 2022, Officer Rhodes provided the SUBJECT PHONE to the FBI Rochester for a forensic analysis, subject to the issuance of a search warrant. The SUBJECT PHONE has remained in the custody and control of the FBI since that date.

8. On October 13, 2022, U.S. Magistrate Judge Mark W. Pedersen issued a search warrant for the SUBJECT PHONE. Upon review of the SUBJECT PHONE, I observed several images of child erotica and images child pornography. Three images of child pornography found on the SUBJECT PHONE are described as follows:

- a. **kw-023-054.jpg** – An image depicting a 12 to 14-year-old minor female, wearing a black pajama top with pink feathers. The child’s legs are spread, exposing her nude vagina in a lascivious manner, while another minor sits on her shoulders.
- b. **kw-023-027—392x260(2).jpg** – An image depicting an approximately 12 to 14-year-old minor female with her face next to the nude vagina of another female. It appears as if the child is prepared to perform oral sex on the other female.
- c. **P5310077.jpg** – An image depicting a 12 to 14-year-old minor female wearing yellow underwear slightly pulled to the side in a sexually suggestive manner, so that the child’s vagina is exposed to the camera.

9. Based on my training and experience, these images constitute child pornography as defined by Title 18, United States Code, Section 2256(8).


10. On November 10, 2022, I interviewed BIBBINS at the Monroe County Jail, where he is currently detained for violating the conditions of his New York State Parole.

BIBBINS was advised of his rights and agreed to speak with agents. During the conversation, BIBBINS acknowledged that he was not permitted to have a smart phone with internet access while on parole. BIBBINS acknowledged that the SUBJECT PHONE did have internet access and that he used the SUBJECT PHONE to go to a specific website called "WET BLOG." BIBBINS acknowledged downloading several images from that website and others, while using the SUBJECT PHONE. I showed BIBBINS seven photos that I located on the SUBJECT PHONE, to include the images of child pornography described in paragraphs 8(a) through 8(c) above. BIBBINS remembered the images and acknowledged the girls were between the ages of 10 and 13-years-old. BIBBINS further agreed that two of the images constituted child pornography, and acknowledged that he knew that child pornography images are illegal. When asked, BIBBINS admitted that he had masturbated to the child pornography. BIBBINS stated when he got out of jail became stressed out over some personal issues. BIBBINS stated when he got the SUBJECT PHONE he was like "oh just one time" referring to downloading the images and that he planned on deleting the images. BIBBINS went on to say that he was "not proud" of himself and wanted to "get any degree of atonement" for his actions.

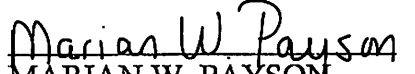
11. The SUBJECT PHONE contains the trade inscription "MADE IN CHINA" and has therefore traveled in and affecting interstate and foreign commerce. The internet, which BIBBINS used to receive the child pornography images, is a means and facility of interstate and foreign commerce. As of today's date, BIBBINS remains in the custody of New York State Parole at the Monroe County Jail.

CONCLUSION

12. Based upon the foregoing, your affiant respectfully submits that there is probable cause to believe that ROBERT BIBBINS did knowingly receive and possess child pornography in violation of Title 18, United States Code, Sections 2252A (a)(2)(A) and 2252A(a)(5)(B).

  
CARLTON TURNER  
Task Force Officer  
Federal Bureau of Investigation

Affidavit submitted electronically by email  
in .pdf format. Oath administered, and contents  
and signature, attested to me as true and accurate  
telephonically pursuant to Fed. R. Crim. P. 4.1  
and 4(d) on this 17th day of November 2022.

  
MARIAN W. PAYSON  
United States Magistrate Judge